

"PATENT"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
PAUL J. BERLOWITZ, et.al) Before the Examiner
) TBA
U. S. Serial No. TBA (Based on Parent 09/562,454)
filed May 2, 2000))
Filed: August 3, 2001)
) Group Art Unit
WIDE CUT FISCHER-TROPSCH DIESEL FUELS) TBA
)

Commissioner for Patents
Washington, DC 20231

Sir:

COMMUNICATION

As soon as the serial number and filing date have been accorded this CIP application, please abandon its parent 09/562,454.

In the parent to this CIP, the claims were rejected in Office Action (paper no. 5) dated March 5, 2001. Applicants would like to bring to the Examiner's attention that the claims of this CIP were amended to overcome the objections in the parent.

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Claim rejections - §112

The Office Action rejected claims 1-20 of this CIP's parent under 35 USC §112. The claims have been amended to convert Fahrenheit values to Celsius. However, Applicant wish to express that it is well known in the art that cold filter plugging point (CFPP) is normally expressed in degrees Fahrenheit.

The cold filter plugging point (CFPP) is a standard property of oils. The CFPP and related tests described in the parent are summarized in paragraph [0004] of this CIP application. However, this CIP application is being filed to address other issues and not the §112 objection.

Applicants believe that the §112 objection is not applicable since cold filter plugging point (CFPP) and the IP-309 test listed in the parent case are well known in the art. One skilled in the art (as do most petroleum testing labs) would know how to find the IP-309 specification in the book Standard Methods, 59th Ed., Institute of Petroleum, Wiley Publ., 2000.

Claim rejections - §103(a)

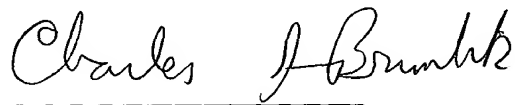
The Office Action rejected claims 8-15 of this CIP's parent under 35 USC §103(a) over Berlowitz, *et al* (WO 99/13031).

Berlowitz describes on page 9, line 1 a Fischer-Tropsch diesel fuel with a conventional fuel boiling at 250 to 700 °F (121 °C to 427 °C). The present invention claims different and larger boiling ranges than Berlowitz. Applicants found in the present invention that a higher boiling Y-cut of Fischer-Tropsch fuel boils over a larger boiling point range, but does not degrade emulsion emission performance, in contrast to what is observed with petroleum fuels. Higher boiling fuels without corresponding higher emissions is a great advance in diesel technology.

The current application has a much higher endpoint than Berlowitz without generating the smoking that would have been expected according to the enclosed SAE references. Table 6 shows that the fuel performance of the present invention greatly exceeds expected results. Table 6 also shows that the actual particulate and NOx emission of the present invention are about 50% to 500% below projected results based on the SAE references.

The present invention represents a new branch from prior references which taught that high boiling diesels could not be made and burned without corresponding higher emissions.

Respectfully submitted,



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☒ Pursuant to 37 CFR § 1.34(a)

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